

### **Remarks**

Claims 1-31 and 34 are pending in this application. By this paper, Applicant has amended claim 3 to more clearly identify the novel elements essential to discern the present invention from the prior art.

#### **Rejection of Claim 3 Under 35 U.S.C. § 102(b) and 35 U.S.C. § 102(e)**

The Examiner has rejected claim 3 under 35 U.S.C. § 102(b) as being anticipated by *Bauer et al.* (European Patent No. 791,503). Moreover, the Examiner has rejected claims 3 and 4 under 35 U.S.C. § 102(b) as being anticipated by *Kanazawa* (U.S. Patent No. 5,805,367). Further, claims 3 and 4 are also rejected under 35 U.S.C. § 102(e) as being anticipated by *Lynam* (U.S. Patent No. 6,522,451). Applicant respectfully submits that the Examiner's rejection is improper. In order to anticipate the claims, the reference being applied must teach every element of the claim. Each of the three references being applied clearly do not disclose an auxiliary mirror having a field of view generally adjacent that of a main viewing mirror. Nor does either reference teach an auxiliary mirror shaped and positioned to view not only all of the driver's blindzone, but primarily only the driver's blindzone.

In general, the references teach electrically modifiable mirrors for varying reflective intensity that have aspherical auxiliary mirror portions. In particular, *Bauer* discloses that the high curvature in the aspheric area yields a greatly expanded field of view, which can be triple that of flat surface mirrors. The rearview mirror in *Kanazawa* includes a main surface and an aspherical surface for providing wide visibility. *Lynam* teaches multiple combinations of plano mirrors and multiradius mirrors for providing a wide-angle view of a blind-spot. However, the preceding references alone or in combination with the prior art of record fail to disclose an automotive mirror which specifically limits the field of view of the auxiliary mirror to primarily the region between the outer limit of the field of view in the main

viewing mirror and the rearward limit of the driver's peripheral vision when looking at the mirror.

It is clear that the prior art does not contemplate, much less appreciate, Applicant's invention. A mere mention of blindzone detection does not satisfy each and every limitation of Applicant's claim 3. The essence of Applicant's invention, which is captured by the claims, is that the auxiliary mirror provides a view of primarily only the blindzone (a precisely defined region) and generally all of the blindzone such that all extraneous information has been removed from the field of view, allowing the driver to determine at a glance whether there is a vehicle in the blindzone. The glance may be as short as a few tenths of a second. Because Applicant's auxiliary mirror views primarily only the blindzone, there is relatively little overlap with the field of view of the main viewing mirror. This differs drastically from the prior art mirrors in that the generally aspherical auxiliary portion provide a much larger field of view which can overlap to a great extent both the field of view in the main viewing mirror and the driver's peripheral vision. Accordingly, prior art mirrors are not limited to blindzone only, but rather show the blindzone plus non-essential viewing information. Therefore, the driver is inhibited from making a quick determination as to whether or not a vehicle actually occupies the blindzone. For example, in the typical prior art mirrors of record, the image of a vehicle in the auxiliary mirror portion does not necessarily indicate that a vehicle actually occupies the driver's blindzone. Rather, the vehicle could occupy an area encompassed by the overlapping field of view. On the other hand, Applicant's invention maintains a precisely defined field of view for providing an extremely important function, i.e., a quick glance at the Applicant's auxiliary mirror shows the presence or absence of a vehicle in the blindzone in a completely unequivocal manner.

The concept described above is best shown in Applicant's Figures 9 and 10. When a vehicle is approaching in an adjacent lane and appears almost entirely in the auxiliary mirror, its image will generally not be viewable in the main viewing mirror providing an unequivocal indicator that a dangerous passing condition exists. In other prior art mirrors, the vehicle which appears almost entirely in the auxiliary mirror can still be viewable in the main

viewing mirror because the auxiliary mirrors of the prior art provide a much wider field of view than just the blindzone. This and other disadvantages are overcome by Applicant's invention.

**Conclusion**


In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 102(b) and (e) rejections of independent claim 3. The rejection is believed to be improper because the prior art fails to teach each and every limitation of claim 3. Moreover, the prior art does not contemplate a precisely defined field of view for an auxiliary mirror which effectively removes all extraneous information nonessential to making a quick determination whether a vehicle is in the driver's blindzone. Claim 4 is a dependent claim depending from claim 3 and is also believed to be patentable as a result of this dependency. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

A check in the amount of \$55.00 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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